

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6708**

**BILL NUMBER:** HB 1167

**NOTE PREPARED:** Jan 3, 2005

**BILL AMENDED:**

**SUBJECT:** Qualifications of Candidates.

**FIRST AUTHOR:** Rep. Lutz

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill requires a declaration of intent to be a write-in candidate, a declaration of candidacy, and a petition of nomination to be signed by a candidate under the penalty for perjury. The bill requires a candidate to separately sign the statement that the candidate meets all the qualifications to be a candidate, including requirements relating to conviction of a felony.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** *Summary:* Under the bill, State Form CAN-2 would have to be revised to accommodate the changes listed above. The expenditures required could be absorbed within the Indiana Election Division's budget.

*Background:* The Election Commission/Division reverted \$63,947 back to the state General Fund at the end of FY 2004.

The Election Division had printing costs of about \$260 for forms and \$2,200 for non-forms in FY 2004.

*Penalty Provision:* Under the bill, a candidate signing a petition for nomination would be required to do so under penalty of perjury, a Class D felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC)

facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** State Budget Agency; Office of the State Auditor.

**Fiscal Analyst:** Chris Baker, 317-232-9851.